

REMARKS

1. Support for amendments and new claims

The amendments to recite method claims are supported throughout the application as filed (see, for example, the abstract of the invention). The amendments to claim 1, 9, and 12 are supported, for example, in paragraphs 3 and 18 (“animal cells”), paragraph 19 (methods for reducing aggregation and percentage of aggregates), paragraph 15 (cell density), paragraph 10 (alternating tangential flow), and paragraph 21 (human cells). All other amendments are made for consistency and clarity. Thus, the amendments to the claims do not introduce any new matter.

2. Form and language of the claims

The Patent Office objected to the form and language of the claims, asserting they are wordy and imprecise. Specifically, the Patent Office objected to claims 10 and 14 to the extent they recite preferred embodiments, and to claim 12 for reciting a trade name. Claim 10 has been canceled, obviating objection to it. Claims 12 and 14 have been amended to obviate objection to them.

3. Election

The Patent Office required election of a single species in two different groups, to which the claims will be restricted if no generic claim is finally held allowable. Applicants have amended claim 14, which gave rise to one of the species election requirements. Applicants hereby elect the following species, to which the claims will be restricted only if no generic claim is finally held allowable:

(a) Cells: Mammalian cells.

(b) Substances: Polypeptide. Applicants thank the examiner for discussing the species election in a telephone interview, and it was agreed that if Applicants’ amended claim 14 to recite “polypeptides and polynucleotides” a species election of “polypeptide” for the substance would be acceptable.

All pending claims are readable on both mammalian cells and protein as a biological substance produced by the cells. As noted in the office action, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to

additional species which are written in dependent form or otherwise require all the limitations of an allowed generic claim.

If the Examiner has any concerns regarding this Response, he is encouraged to contact the undersigned attorney as indicated below at 312-913-2106.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff LLP

Date: /23 July 2010/

By: /David S. Harper/
David S. Harper, Ph.D.
Registration No: 42,636